

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 22, 1998

DIVISION TWO

B107820 Mark Betterman, et al. (Not for Publication)

V.
Vanguard Insurance Company

The judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B118515 Marilyn Anthony, et al. (Not for Publication)

V.
John B. Simon, et al.

The order under review is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
 Zebrowski, J.

B117024 Marilyn Anthony, et al. (Not for Publication)

V.
John B. Simon, et al.

The judgment is affirmed.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J. (Opinion)

DIVISION TWO (Continued)

B118402 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Mary W.

The order under review is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Nott, J.

B108694 Wausau Underwriters
 Insurance Company, et al. (Certified for Partial Publication)
 v.
 Unigard Security Insurance Company, et al.

The judgment is reversed and remanded for determination of the reserved or remaining issues consistent with this opinion. Costs to appellant.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B112567 People (Not for Publication)
B123779 v.
 David Turner

The petition for writ of habeas corpus is denied. The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B115797 Maureen Robinson, etc. (Not for Publication)
 v.
 Sheen Painting Company

The judgment as regards Robinson's equitable indemnification claim is reversed and remanded with directions for the trial court to modify the judgment to reflect entry of judgment as to the equitable indemnification claim in favor of Robinson and against Sheen Painting in the amount of \$75,000. Costs on appeal awarded to appellant Robinson.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B117594 Janisse Dale (Certified for Partial Publication)
 v.
 Great Western Bank, et al.

The judgment is reversed and the cause is remanded to the trial court to vacate the judgment and enter an order granting Dale leave to amend her complaint to delete those allegations in its breach of contract cause of action which are barred by the statute of frauds as set forth in this opinion, to delete related allegations in the fraud and quantum merit causes of action, to delete the counts in the breach of contract cause of action captioned "Rescission for Failure of Consideration" and "Rescission for Fraud in the Inducement," and to delete the counts in the tort cause of action caption "Intentional interference With Contractual Relationship" and "Intentional Interference with Prospective Economic Advantage." Parties to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

December 22, 1998-Continued

DIVISION THREE (Continued)

B115759 People (Not for Publication)
v.
Steven Somoza

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B117158 Los Angeles County, D.C.S. (Not for Publication)
v.
James F.

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B116973 Angela Clinton Torley, etc., et al. (Not for Publication)
v.
County of Los Angeles, et al.

The order of dismissal is affirmed. Costs to county defendants.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

December 22, 1998-Continued

DIVISION THREE (Continued)

B117556 People (Not for Publication)
v.
Joseph M. Seide

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B118189 Michael J. Mulcahy (Not for Publication)
v.
G. E. Capital-Rescom, a partnership, et al.

Judgment affirmed. Respondents are awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B108161 Richard Poe (Not for Publication)
v.
Brentwood Bank of California, et al.

The award of costs to Bank is modified to delete the excess costs of expert witness depositions in the amount of \$3,515. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B109039 Lawrence Kaufman (Not for Publication)
 v.
 Virginia King Supple

With respect to the amount payable to Lawrence, paragraph 6 of the judgment is modified to provide as follows: "To equalize the division of property, Virginia shall pay to Lawrence the sum of \$171,000, representing 60 percent of the \$285,000 fair market value of the subject property at the time of judgment. In addition, Virginia owes Lawrence \$25,856 for mortgage payments she failed to make. Thus, the sum Virginia is obligated to pay Lawrence under the judgment is \$196,856." As modified, the judgment is affirmed. Each party to bear respective costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B119036 Whylie (Not for Publication)
 v.
 City of Los Angeles, et al.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

B111577 Nguyen, et al. (Not for Publication)
 v.
 Tran, et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B113515 Crown Cork & Seal Company, Inc. (Not for Publication)
 v.
 Universal Warehouses

The request for judicial notice is granted. The order denying reconsideration is reversed, and the matter remanded to the trial court to consider whether the circumstances surrounding the sale of the property to the Dunn Family Trust, particularly the undisclosed quitclaim deed executed by Home Depot on May 16, 1996, requires a different result on the summary judgment motion. Each party to bear their own costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B113245 Altamimi, et al. (Not for Publication)
 v.
 National Consumer Finance Company, Inc., et al.

The orders are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B122584 Domash (Not for Publication)
 v.
 Safeco Insurance Company of America

The judgment (order of dismissal) is affirmed. Costs are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

December 22, 1998-Continued

DIVISION FOUR (Continued)

B121156 California Casualty Insurance Company (Not for Publication)
v.
Frederick K. Ohlrich, as Clerk of the Los Angeles Municipal Court
Magana, Sr.

The order is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B119099 Oropallo, Jr. (Certified for Publication)
v.
Oropallo
Anderson & Salisbury, et al.

The court's order of November 20, 1997, granting reconsideration of the order of September 23, 1997, is reversed. Each side is to bear its own costs.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B107050 Chevalier, et al. (Not for Publication)
v.
Blue Ridge Insurance Company

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

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The judgment is affirmed. The superior court is directed to file an amended abstract of judgment which shall reflect the \$200 restitution fine.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B124508 In re: Jimmy F. (Not for Publication)
D.C.F.S.
v.
Lantangela M.

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B120052 Palmer (Certified for Publication)
v.
Hokanson

The order of the family court is reversed with respect to the rulings on Jon's request for attorney fees and the amount of his credit under Family Code section 1101, subdivision (g), and the matter is remanded to the trial court to determine in accordance with this opinion (1) Jon's attorney fees and court costs, (2) the net sales price of the family house in June 1996, (3) the loss based on the net sales prices for the family house in early 1995 and in June 1996, and (4) the credit to be allowed Jon as an offset against his equalization payment. The order is affirmed in all other respects. Jon is awarded his costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION SIX

B121867 People (Not for Publication)
v.
Stevens

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.